

REMARKS

Objections

Claim 1 and the intervening claims were objected to because in step (d), “the” preceding the word values rendered the claim indefinite. Claim 16 was objected to because the word “store” should be replace with “stores”.

Claims 1, 3, 5, and 16 have been amended to overcome the examiner’s objections.

U.S.C. §102(e) - Rhoads

Claims 1-4, 6-8 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,026,193 to Rhoads.

Rhoads 6,026,193 (‘193) discloses a method and apparatus for performing audio and video steganography. Steganography refers to the embedding of generally imperceptible data in an image. Rhoads’ apparatus of Figure 5, cited by the examiner, illustrates a circuit as a black box that encodes data into a video or audio data stream. All text citations in Rhoads made by the examiner appear to relate to considerations for recording or embedding information into an image. Rhoads does not teach or fairly suggest anything related to “resolving the most probable digital fingerprint from a circuit,” as recited in claim 1.

In contrast to Rhoads’ reference to recording data into an audio or video data streams, claims 1-4, 6-8 recite a method for “resolving the most probable digital fingerprint” of an integrated circuit (IC). As described in the specification, the digital fingerprint identifies an IC (and hence, the identity of the system or subsystem in which the IC is embedded or placed) and is not used to superimpose data over an audio or video signal as in steganography. As further described in the specification, the fingerprint is an IC identifier that inherently arises from variations in electrical characteristics that may occur as a result of variations in the manufacturing process.

Thus, the applicant believes that the art related to embedding information into a recorded audio or video image should not be applied against the present claims. Nevertheless, the applicant has made clarifying amendments to claim 1 (and thereby amended dependent claims 2-5) and claim 6 (and thereby amending dependent claims 7-10) to more particularly point out the invention.

U.S.C. §102(e) Eraslan

Claims 11-17, 21-30 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,381,346 to Eraslan.

Eraslan discloses a method of identifying people from the features and shapes of their faces. Eraslan does not teach or fairly suggest anything related to identifying the unique identity of an integrated circuit.

Thus, the applicant believes that the art related to identification of facial features should not be applied against the present claims. However, the applicant has amended claim 11 (and hence dependent claims 12-14, 21, 22, and 24) to more particularly point out the invention.

With respect to claim 15, the applicant believes it is improper to apply the non-analogous art of Eraslan to the present invention. Nevertheless, the applicant points out that even if it were appropriate to apply Eraslan against claim 15, claim 15 as written would not read on Eraslan. In particular, Eraslan requires that “The i codes are always matched...” (column 14, line 10) In contrast, claim 15 only requires “a statistically sufficient number of matching sections” to identify a digital fingerprint. Thus, Eraslan teaches away from the embodiment of claim 15 and cannot anticipate claim 15 as written. Insofar as allowability of an independent claim indicates allowability of its dependent claims, claims 16-17, dependent on claim 15, should also be ruled allowable.

Claim 16 has been amended to overcome the examiner's objection. Therefore, the applicant urges the examiner to allow unamended claims 15-17.

With respect to claim 28, the applicant points to Eraslan's requirement teaching "The i codes are always matched..." as teaching away from claim 28's requirement for only a "a statistically sufficient number of sections" to be matched, and therefore urges the examiner to allow claim 28 as written. Insofar as claims 29 and 30 depend from claim 28, the applicant also urges the examiner to allow claims 29 and 30 as written.

The applicant does not necessarily agree with the examiner that claim 23 recites the same limitations as claims 15 and 22. However, claim 23 does recite that only a "a statistically sufficient number of matching sections," need be matched and therefore claim 23 should be allowable as written for at least the same reasons as claim 15.

As to claim 25, the applicant respectfully points out that there is no teaching in Eraslan; and specifically no teaching in Eraslan column 4, lines 45-58 or column 9, line 57 through column 10, line 35; to make an identification from only "a statistically sufficient number of matching sections." Furthermore, as pointed out above, Eraslan actually teaches against using only "a statistically sufficient number of matching sections," as recited in claim 25, at column 14, line 10. The applicant therefore urges the examiner to rule claim 25 allowable over Eraslan and, because claims 26-27 are dependent on claim 25, also rule them allowable.

35 U.S.C. §103(a) – Rhoads in view of Eraslan

Claims 5, 9, 10, and 18-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over US Patent 6,026,193 to Rhoads in view of US Patent 6,381,346 to Eraslan.

As pointed out above, the applicant respectfully suggests that the examiner has inappropriately cited patents in non-analogous arts against the claims of the present application.

The applicant further suggests it is not appropriate to combine Rhoads '193 with Eraslan '346 and in particular notes that the examiner has presented no motivation to combine these references from disparate arts.

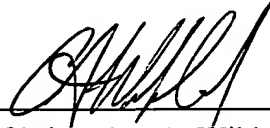
The applicant has nevertheless amended claims from which claims 5, 9, 10, and 18-20 depend to more particularly point out the invention and suggests all 36 U.S.C. §103(a) rejections are thereby doubly satisfied.

The applicant respectfully submits that the amendments and remarks included herewith are fully responsive and put the claims in condition for allowance. The applicant urges the examiner to allow all claims in their present forms.

The Examiner is invited to contact Mr. Christopher A. Wiklof at (425) 415-6641 with any issues that may advance prosecution of the application on the merits.

Respectfully submitted,

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CAW/rno

Enclosures:

- Postcard
- Check for \$475.00
- Post-Filing Transmittal Cover Sheet (in duplicate)
- Petition for Extension of Time under 37 CFR 1.136(a) (in duplicate)

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